

REMARKS

Applicants sincerely appreciate the thorough examination of the present application as evidenced by the Office Action of May 27, 2009 (hereinafter "Office Action"). In response, Applicants have: amended Claim 1 to provide further clarification thereof; and amended Claim 22 to include recitations corresponding to recitations of amended Claim 1.

In the following remarks, Applicants will show that all claims are patentable over the cited art. Accordingly, a Notice of Allowance is respectfully requested in due course.

Independent Claims 1 and 22 Are Patentable over Saito

Claims 1, 2, 4, 6, 7 and 9-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,987,767 to Saito (hereinafter "Saito"). (Office Action, Page 2.) Applicants respectfully traverse the rejections as Saito fails to disclose or several of the recitations of amended Independent Claims 1 and 22 of the present application.

Amended Claim 1, for example, recites:

1. A method of forming an output media stream to be transmitted during a communication session from a portable communication device wherein said output media stream comprises signals of a first media type, the method comprising:

generating in real time a first media stream in the portable communication device,

combining in real time the first media stream with a second media stream to form the output media stream wherein combining comprises superposing signals of the first media type from the first media stream on signals of the first media type from the second media stream to produce the output media stream, wherein the output media stream comprises portions of the first and second media streams which are configured to be presented in a substantially simultaneous time period, and

transmitting said output media stream. (*Emphasis added*).

In support of the rejection of Claim 1, the Office Action states that Saito discloses:

combining in real time the first media stream with a second media stream to form the output media stream (*see column 9 lines 62-67, column 10 lines 1-2, and figure 1, which recite a multiplexer 22 that combines a media stream generated by a microphone 31 and camera 33 with media streams of various encoding units*),

wherein combining comprises combining signals of the first media type from the first media stream with signals of the first media type from the second media stream (*see column 4 lines 20-27 and 50-56, which recite combining the video streams of the encoding units and further combining the audio streams of the encoding units using the TS multiplexing section 310*).

(Office Action, page 3.)

The cited passages of Saito, however, do not disclose or suggest combining signals of the first media type from the first media stream with signals of the first media type from the second media stream. The example cited in the Office Action, combining the audio stream from a microphone and the video stream from a camera, is not synonymous with combining two signals of a first type, because audio and video signals are two different types of signals. To further clarify what Claim 1, as amended, discloses, an example can be drawn regarding two media streams comprising video signals. Some embodiments according to Claim 1, as amended, may provide combining two video signals into one stream so that portions of the video signals are displayed substantially simultaneously. (*See, e.g.* Specification, paragraph 0085 (example involving displaying a video signal showing a user's face from one camera superposed on video signal showing a scene of a sightseeing spot); Specification, paragraph 0092 ("[d]uring a conversation a user of the communication device can share content information such as video or still images instantly as a bearer for exchanging media files, allowing for simultaneous multimedia."); and Specification, paragraph 0067 ("[t]he combining of audio information is performed by superposing audio information of the first stream on audio information of the second stream.").) Accordingly, in each example, media streams of the same type are combined to create an output media stream, where the output media stream comprises portions of the first and second media streams configured to be presented in a substantially simultaneous time period.

In contrast with the Office Action allegations, Saito does not disclose or suggest combining the streams of the same media type. In contrast with the recitations of Claim 1, as amended, Saito appears to describe partitioning input elementary streams to produce packetized elementary streams (PES). (Saito, column 4 lines 50-56.) Furthermore, Saito appears to describe inserting the PES into a transport stream (TS) packet, which includes packet identification information (PID), and that the PID is defined in correspondence to each of the sources of elementary streams. (Saito, column 4 lines 57-67 and column 5 lines 1-3.) Saito also appears to describe transmitting the individual TS packets in one transport stream sequentially. (Saito, column 5 lines 4-12; *see also* Saito, Fig. 6.) On the receiving side, Saito appears to discuss demultiplexing the transport stream according to identified PIDs and selectively sending each of the received PES packets to the appropriate decoder. (Saito, column 5 lines 30-43.) In summary, Saito appears to describe packetizing media and transmitting the individual packets in a stream, which Applicants agree may be a form of “combining,” but is not “superposing signals of the first media type from the first media stream on signals of the first media type from the second media stream to produce the output media stream, wherein the output media stream comprises portions of the first and second media streams which are configured to be presented in a substantially simultaneous time period,” as recited in Claim 1, as amended.

Accordingly, Applicants submit that amended Claim 1 is patentable over Saito for at least the above reasons. Likewise, amended Claim 22 includes system recitations corresponding to the methods of Claim 1 and is thus patentable for at least similar reasons.

Dependent Claims are Patentable

Applicants respectfully submit that the dependent Claims 2, 4, 5-7, 9-21, and 23-29 are patentable at least per the patentability of Claims 1 and 22 from which they depend. Applicants further submit that various dependent claims are separately patentable.

For example, Claim 15 recites, in part, “superposing the first and second audio signals of the first and second media streams.” As discussed above, superposing is a

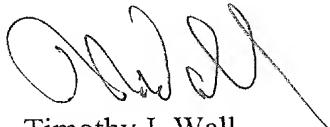
specific form of combining that is not disclosed or suggested in Saito. For example, superpose may be defined as to place or lay over or above whether in or not in contact. (*See, e.g.*, Superpose, *Merriam-Webster Online Dictionary*, Retrieved July 20, 2009, from <http://www.merriam-webster.com/dictionary/superpose>.) In contrast with the recitations of Claim 15, Saito discusses multiplexing packetized streams sequentially in one stream, in contrast with superposing multiple signals into one stream so that at least a portion of the signals are configured display at a substantially simultaneous time period. (Saito, Fig. 6; Saito, column 4 lines 40-67, column 5 lines 1-3 (each elementary stream is packetized into a PES, which is multiplexed with an identification code (PID) into the transport stream).) Accordingly, Saito's discussion of packetizing the elementary streams and multiplexing the packets into a transport stream does not disclose or suggest superposing streams into one stream. Similarly, the Office Action incorrectly relies on the multiplexing of individual packets of stream information to reject Claims 16-21, which include recitations corresponding to superposing or blending signals into one stream. (Office Action, pages 6-8.) Accordingly, these claims are separately patentable over the art of record, the allowance of which is respectfully requested.

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CONCLUSION

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any small matters outstanding of resolution, she is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

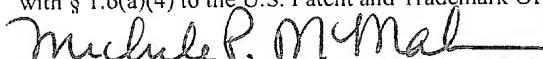


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